

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**PAOLA ZAPATA, Individually and as
Next Friend of XXXXXXXX XXXXX
And OSVALDO RIVAS
Plaintiff**

VS.

**AUTOTRANSPORTES ROMEDU,
S.A. DE C.V.
Defendant**

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CIVIL ACTION NO.: _____

JURY

APPLICATION AND NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U. S. C. §1332(a)(2) and Rule 81 of the local rules for the Southern District of Texas, Defendant AUTOTRANSPORTES ROMEDU, S.A. de C.V. ("Applicant") files this Application and Notice of Removal and in support thereof would show the Court the following:

1. On August 5, 2015, Plaintiffs, Paola Zapata, Individually and as Next Friend of XXXXXXXX XXXXX and Osvaldo Rivas, filed their First Amended Petition in a cause of action against Applicant in County Court at Law No. 3 of Cameron County, Texas, Cause No. 2015-CCL-00502.
2. Pursuant to 28 U.S.C. § 1446 this notice of removal was filed within 30 days after the defendant first received notice of Plaintiffs' First Amended Petition from which it was ascertained that the case is one which is removable.
3. Plaintiffs Paola Zapata, Individually and as Next Friend of XXXXXXXX XXXXX and Osvaldo Rivas are residents of Brownsville, Cameron County, Texas. See Plaintiffs' First

Amended Petition, attached to the index of the matters being filed. Applicant is a corporation of Mexico. Applicant does not reside in Cameron County, Texas. Therefore, removal is based upon alienage jurisdiction.

4. The action described in paragraph 1 arises from a motor vehicle incident that occurred in Cameron County, Texas on or about March 9, 2014. Plaintiffs have plead that the Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits and that the Court has in personam jurisdiction over the Defendant because the lawsuit arises out of events or omissions that occurred in the county.

5. The amount in controversy exceeds \$75,000.00. In Plaintiffs' First Amended Petition, Plaintiffs seek unliquidated damages in an aggregate amount not to exceed One Hundred Thousand Dollars.

6. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas Applicant would show the following:

a. Plaintiffs: Paola Zapata, Individually and as Next Friend of XXXXXXXX
XXXXXX and Osvaldo Rivas
Defendant: Autotransportes Romedu, S.A. de C.V.

b. Status of service of process: Defendant Autotransportes Romedu, S.A. de C.V. counsel agreed to accept service by receiving a copy of Plaintiffs' First Amended Petition pursuant to a Rule 11 Agreement in the Cameron County case, attached to the index of the matters being filed. The amended petition was filed on August 5, 2015.

c. Counsel for each party is as follows:

Counsel for Plaintiffs: Paola Zapata, Individually and as Next Friend of
XXXXXXXX XXXXX and Osvaldo Rivas
Michael Orth
State Bar No.: 24079089
The Green Law Firm
34 S. Coria Street
Brownsville, Texas 78520
Telephone: (956) 542-7002

Facsimile: (956) 542-7026

Counsel for Defendant Autotransportes Romedu, S.A. de C.V.
Tamara L. Rodriguez
State Bar No. 00791647
Federal Bar No. 18972
Vidaurre, Lyde, Rodriguez & Haynes, LLP
202 North 10th Avenue
Edinburg, Texas 78541
Telephone: 956-381-6602
Facsimile: 956-381-0725

- d. A jury was demanded by Defendant in county court and the jury fee was paid.
- e. Name and address of court from which the case is being removed:


County Court at Law No. 3
Cameron County, Texas
974 E. Harrison St.-Judicial Building
Brownsville, Texas 78520

7. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of the docket sheet and an index of the matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicant prays that the above action now pending in County Court at Law No. 3 of Cameron County, Texas, Cause No. 2015-CCL-502, styled *Paola Zapata, Individually and as Next Friend of XXXXXXXX XXXXX and Osvaldo Rivas, Plaintiffs vs. Autotransportes Romedu, S.A. de C.V., Defendant* be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern District of Texas and that Defendant may have such other and further relief at law or in equity to which it may show itself justly entitled.

Respectfully submitted,

By:


Tamara Rodriguez
Attorney in Charge

State Bar No. 00791647
Federal Bar No. 18972

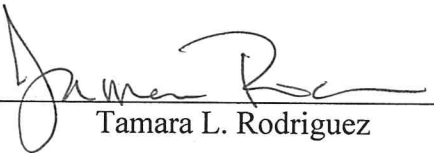
Of Counsel:
Vidaurre, Lyde, Rodriguez & Haynes, LLP
202 North 10th Avenue
Edinburg, Texas 78541
Telephone: 956-381-6602
Facsimile: 956-381-0725
Attorney for Defendant
Autotransportes Romedu, S.A. de C.V.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to opposing counsel on this the 3rd day of September, 2015, as follows:

VIA CMRRR #7014 2870 0001 3571 1557

Michael Orth
Jorge A. Green
The Green Law Firm
34 S. Coria Street
Brownsville, Texas 78520



Tamara L. Rodriguez